

**ALISO VIEJO MINUTES  
CITY COUNCIL REGULAR MEETING  
February 1, 2006**

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**CALL TO ORDER**

The regular meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Vali-Cave at 7:00 p.m. on Wednesday, February 1, 2006 at the Aliso Viejo City Hall Council Chambers, 12 Journey, Aliso Viejo, California.

A complete copy of the agenda for the meeting containing all items as shown herein was posted by 5:00 p.m. on January 26, 2006, on the outdoor bulletin board at City Hall. Copies were also posted at the Aliso Viejo Library, 1 Journey, and the Aliso Viejo Sheriff's Substation, 11 Journey.

**PLEDGE OF ALLEGIANCE**

Girl Scout Troop 408 led the Pledge of Allegiance and sang "You're a Grand Old Flag."

**ROLL CALL**

Present: Mayor Carmen Vali-Cave  
Mayor Pro Tem Cynthia D. Adams  
Council Member Greg Ficke  
Council Member William A. Phillips  
Council Member Karl P. Warkomski

Absent: None.

**SPECIAL PRESENTATIONS**

Mayor Vali-Cave requested Division Chief Vadala help present the Certificates of Appreciation to OCFA Battalion Chiefs Rogers James and Ron Roberts. Division Chief Vadala commended the efforts and accomplishments of both men who were promoted to other divisions. Mayor Vali-Cave thanked the Battalion Chiefs for their service to the City.

Judy Iannaccone, Board Member of the Orange County Human Relations, presented Mayor Vali-Cave with a Certificate of Recognition for the Council's support. She gave statistics involving Aliso Viejo and thanked the Council for the foresight to help finance this worthwhile cause. Mayor Vali-Cave thanked the

vounteers of the Orange County Human Relations for their work.

Je'Net Kreitner, Special Project Coordinator of the Second Harvest Food Bank, gave a presentation on the upcoming Fifth Annual South Orange County Citywide Food Drive in March and April. She stated that Second Harvest Food Bank distributes meals to thousands of people in the Orange County area. She stated that the need for food is great and that the organization operates on donations only. She requested the Mayor endorse this program through a letter of support. She stated the organizations, corporations, and schools that were involved in last year's drive are committed to this year's event.

### **PROCLAMATIONS PRESENTED ELSEWHERE**

None.

### **ADDITIONS, DELETIONS, REORDERING TO THE AGENDA**

None.

### **CONSENT CALENDAR**

**A MOTION** was made by Council Member Ficke and seconded by Council Member Phillips, to approve the Consent Calendar as described below. Motion carried unanimously, 5-0.

1. **Waive the Reading of All Ordinances**

Waived the reading of all Ordinances in their entirety and read by title only.

2. **Minutes – January 18, 2006 Meeting**

Approved the Minutes as submitted.

3. **Warrants**

1. Ratified warrants issued January 12, 2006 in the amount of \$659,376.49; and
2. Ratified warrants issued January 19, 2006 in the amount of \$170,048.28.

4. **Treasurer's Report – December 2005**

Approved the December 2005 Treasurer's Statement.

**5. Contract Amendment - APA Engineering**

1. Approved an Amendment to the existing Agreement with APA Engineering, Inc. (APA) to provide engineering services for the Aliso Creek Landscape Median from Enterprise to Pacific Park ('Aliso Creek Median Project') and the Pacific Park Median Project from Aliso Creek Road to Aliso Viejo Parkway ('Pacific Park Median Project'); and
2. Directed City Manager to execute an Amendment to the Agreement in an amount not to exceed \$126,000.

**6. Bond Release of Performance Bond – Lowe's HIW, Inc.**

Released the Lowe's HIW, Inc. (Lowe's) performance bond for on-site grading, drainage, paving, and erosion control.

**7. Fiscal Calendar 2006-07 Budget Calendar**

Received and filed the Fiscal Year 2006-07 Budget Calendar.

**PUBLIC HEARING**

None.

**COUNCIL BUSINESS**

**8. Transportation Corridor Agency Presentation of the extension of the Foothill-South Toll Road (241) through a portion of San Onofre State Beach**

Mayor Vali-Cave gave a brief overview of this item being on the agenda. Council Member Warkomski requested the Council's question and answer period before the presentation. Council Member Warkomski requested that equal time be given for the opposing view and that he did not want to hear the presentation. Mayor Vali-Cave requested that the presentation be given for the benefit of the other Council Members. Mayor Vali-Cave requested direction from the Council Members.

Mayor Pro Tem Adams stated that she had concerns about the letter sent to Transportation Corridor Agency (TCA) and the verbiage of the letter being in opposition. She was still unclear of the specific alignments and would like to hear the presentation.

Council Member Ficke stated that the recommendation was at Council's discretion and thought it was more of an informative item. He added that he has not seen the presentation. He thought it would also be appropriate for a continuation and suggested another type of forum would be a better venue than a Council Meeting.

Council Member Phillips stated that he would like to better understand the proposed alignments. He stated that he would like to be informed of all views and hear the concerns of all the speakers.

Council Member Warkowski stated he was not opposed to hearing the presentation, but he wanted to have the other side give a presentation in order to provide a "balanced" presentation.

Mayor Vali-Cave stated that the presentation would be made and then Council could ask questions. She stated that Council could then make a decision whether to hold a public workshop on this topic and with what parameters (e.g. equal time, equal amount of speakers, both view points, etc.).

Maci Cleary-Milan from the Transportation Corridor Agency (TCA) gave a PowerPoint Presentation on the proposed alignment extending the 241 toll road.

Discussion ensued regarding the easement rights of the area, the ability for the Marines to train in the area, the question whether the Marines could train on the toll road after it was built, the easement being dedicated in the future to Caltrans, the possibility of tunneling through a section, the findings of the Committee on tunneling, the map depicting the proposed green alignment, the mitigation of the natural habitat, the effects on Trestles Beach, the plans by TCA on the restoration process, the water quality issues, the poll results based on the type of questions asked, the desire to receive the poll information, the Best Management Practices and standards of Caltrans, the monitoring to be completed by TCA on Caltrans' maintenance, the lease being between the State Park and Camp Pendleton, the position of TCA on the beltway corridor connecting the two toll roads, the beltway corridor being the responsibility of the specific cities' jurisdiction and the Master Arterial Plan, the federal exemptions granted for the 241 extension, the letter from General Jones stating opposition to the construction of a toll road on or near Camp Pendleton, and the widening of the 5 freeway not being studied because of funding.

Council recessed at 8:15 p.m.

Council reconvened at 8:30 p.m. with all Council Members present.

Mayor Vali-Cave opened the item for public comment.

Marc Venegas discussed the traffic problems and stated that he utilized the toll roads daily. He understood the impacts and concerns. He supported the extension.

Donna Varner wanted to discuss the beltway corridor and the traffic impact already in Mission Viejo. She thought that Foothill South toll road should be connected south of San Clemente. She supported the project.

Rick Wilson addressed the specifics of the presentation given, including what was discussed and what was not discussed. He wanted to inform the Council that the water quality mitigation was in an estuary and currently Trestle Beach was the cleanest beach in the area. Additionally, he addressed the word "mitigation" and stated that mitigation does not currently exist because there are no problems to mitigate.

Irene Tritz, a long term resident of South Orange County, stated that she supported the environment. She also stated that she supported the extension of the 241 toll road because of increased development and for emergency purposes.

Duane Cave, Chairman of the South Orange County Regional Chamber of Commerce, stated that the Chamber had taken a position in favor of the extension of the 241 toll road. He requested Council give careful consideration to this decision.

James Birkelund, representing Natural Resources Defense Council, thanked Council for their previous letter sent to the TCA. He stated that the NRDC is not opposed to toll roads, but opposed the alignment through the State Parks. He stated that NRDC has taken polls on this issue and has communicated the results to the TCA. He addressed the exemptions, the dedication of the parks, and the presentation of environmental analysis.

Brittany McKee thanked Council for the letter in opposition of the toll roads through the State Park. She stated she has information on the polls taken by the TCA. She stated that this situation would set precedence on dedicated open space. She felt that the TCA should not be allowed to build in this State Park.

Vince McCarthy drives the toll road daily and felt that more roads were needed. He was surprised that the Council would block or slow the progress.

Meg Waters spoke as an individual, but disclosed that she was previously a TCA Consultant. She stated that she has read the studies in their entirety. She poked in favor of the project. She addressed the credibility and

credentials of the polls taken. She stated that the Council should stay away from this project.

Stephanie Dorey, a previous Council Member in San Clemente, stated that there was a true disconnect between the environmental issues and realities. She stated that the proposed extension of the 241 through the Donna O' Neill Land Conservancy, San Onofre State Park, the San Mateo Watershed, and previous mitigation measures would be rescinded. She added that the State Park and Campground was mitigation for the construction of the San Onofre Nuclear Power Plant.

Kathryn Stovall Dennis stated that this was a huge issue and suggested to hold a public hearing. She stated that on November 3, 2005 a public hearing was held by the City of San Clemente. She stated that the majority of the audience was in opposition of the proposed alignment. She stated that the alignment through the State Park was a bad project.

Matthew Kolysku thanked Council for their letter in opposition of the proposed alignment. He urged Council to trust their previous instincts. He stated that the TCA cannot adjust this alignment because of the sensitive area surrounding the alignment. He read a portion of Former Governor Regan's speech when this State Park was dedicated as open space.

Greg Gantman spoke as a resident of Aliso Viejo. He supported the toll road and uses the toll road for his business. However, he stated that all conservation issues must be addressed regarding the extension of this toll road.

Jack Eidt stated that he was an advocate of the beltway corridor concept and the widening of the 5 freeway. He stated the costs spent on studies by several agencies. He stated that the widening of the 5 freeway was imperative to the solution and that the beltway corridor alone would not solve the issue. He thought there was a better way than to propose an alignment through the State Park.

Christine Eidt thanked the Council for their support and urged them not to destroy the campsite.

Sam Eidt appreciated the Council vote on the opposition letter. He stated that the letter was an educational tool for his child. He stated that if the toll extension goes through the State Park, then the camping experience would be ruined. He thought there were other alternatives.

Tanya McElhaney concurred with the speaker, Irene Tritz. She stated her concerns of widening the 5 freeway in solving the matter. She stated that there should be alternate routes other than the 5 freeway.

Frances Hicks stated that more and more people are moving into the area and transportation is a problem. She stated that development should include transportation solutions. She asked about the traffic impacts from the high rises developing in Irvine.

Carey Strombothe read a quote from Former Governor Regan stating the need for open space when he dedicated this State Park in perpetuity.

Liz Kuhns stated that the statistics given in the TCA presentation were inaccurate. She stated that what once was a great idea does not make a great idea today, referring to the studies over the last twenty years.

Marni Magda urged Council to hold a position in opposition of the green alignment. She stated that there were 35 other projects waiting for the decision on this State Park. She stated that the San Mateo Watershed was the last pristine watershed. She urged Council to request more information.

Shannell Sedgwick thanked the Council for the letter of opposition. She stated that the Council should pressure the TCA to design a better project.

Mayor Vali-Cave stated that she has worked with the TCA for many years. She stated that the TCA staff was doing the best job for the agency. She stated the staff was not being deceptive. She stated that she was still voting the same way she did at the previous meeting.

Council Member Warkomski suggested to receive and file the item and thanked the TCA staff for their presentation. Mayor Vali-Cave asked about the possibility of having a public meeting. Council Member Warkomski stated that he felt that participation would be low.

Mayor Pro Tem Adams wanted clarification of the Council's direction. She stated that she needed to further understand the alignments and the other alternatives without yet making a decision. She stated that there were still transportation issues from moving from Point A to Point B in a reasonable manner. She stated that there are other alternatives besides building more roads. She did not want to withdraw the letter sent, but did want clarification on Council's intent. She is not opposed to alternative transportation solutions, especially in South Orange County, because traffic is always difficult.

Mayor Vali-Cave provided answers to Mayor Pro Tem Adams' questions. She stated that the alignment is the best identified alignment by the TCA. She spoke about the studies conducted. She felt that the EIR was thorough. She stated that alternative alignments have been studied. She stated that the decision was delayed until February 23 because the TCA continued the

item to hear more testimony.

Council provided no further direction for this item. Mayor Vali-Cave concluded this item and recessed the meeting for five minutes.

Council recessed at 9:25 p.m.

Council reconvened at 9:32 p.m. with all Council Members present.

**9. Review of Townsend Public Affairs Contract**

Sean Fitzgerald from Townsend Public Affairs gave a presentation on the past, current, and anticipated lobbying and grants writing activities. He stated that the informal feedback on the grant application submitted to the California Integrated Waste Management Board was that it would not be awarded.

He stated that were grant opportunities available and that he was working with staff. He reported that the Governor has proposed funding in Proposition 49 that may be appropriate for the Family Resource Center. He stated that staff will be updated on upcoming bonds and federal requests. He mentioned the list of priorities submitted by staff and will be looking for funding opportunities in the future.

Chris Townsend thanked the City for their work. He stated that the infrastructure bond will be an opportunity to try to earmark some funding for the City of Aliso Viejo. He stated that his firm will keep the staff informed on their results.

Discussion ensued regarding the results of the grants written and the lobbying efforts conducted in the last six months, the presentation of five or six grant opportunities to staff, how the process of lobbying is conducted, the contingency versus a retainer fee, the cost benefit ratio, the politicians involved in making decision that effect Aliso Viejo, the possibility of funding for a study regarding developing a walkable City, the City being on the forefront on work/live areas, any grant funding to encourage pedestrian mobility, the upcoming budget workshop, and solidifying the Council's vision of the future.

Mayor Vali-Cave opened the item for public comment. There being none, Mayor Vali-Cave closed the public comment period.

Mayor Vali-Cave thanked the Consultants for their presentation.

**10. Mid-Year Budget**

Financial Services Manager/City Treasurer Tharani gave a brief background from the staff report stating that the finances of the City are healthy. She stated that Council approved General Fund projects in the amount of \$135,835 and Capital Projects in the amount of \$170,040. The net change due to the budget amendments and the mid year adjustments is a positive \$290,740 to the General Fund and \$1,489,748 for all funds.

Mayor Vali-Cave opened the item for public comment. There being none, Mayor Vali-Cave closed the public comment period.

**A MOTION** was made by Mayor Pro Tem Adams and seconded by Council Member Ficke, to adopt the recommended Mid-Year Budget for Fiscal Year 2005-06. Motion carried unanimously, 5-0.

**11. Application for two Transportation Enhancement Activities (TEA) Projects and accompanying Resolution**

RESOLUTION NO. 2006 - 006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY (TEA) PROGRAM UNDER THE 1998 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR THE ALISO CREEK MEDIAN FROM SR-73 TO WINDSONG AND THE TOWN CENTER PEDESTRIAN AND BICYCLE PATH PROJECTS

City Engineer Whitman gave a brief background from the staff report.

Mayor Vali-Cave opened the item for public comment. There being none, Mayor Vali-Cave closed the public comment period.

**A MOTION** was made by Council Member Phillips and seconded by Council Member Ficke, to approve submittal of the two TEA projects (Construction of a Landscaped Median on Aliso Creek Road from SR-73 to Windsong and Landscaped Traffic Islands at Aliso Creek Road and SR-73; and Construction of a Loop Trail including a pedestrian/bicycle path with appropriate amenities in the vicinity of the perimeter of Town Center); and accompanying resolution supporting the submission of two TEA project applications.

A question was raised whether the resolution should be adopted first.

**THE MOTION** was reiterated by Council Member Phillips and accepted by

Council Member Ficke, to approve submittal of applications for two TEA projects (Construction of a Landscaped Median on Aliso Creek Road from SR-73 to Windsong and Landscaped Traffic Islands at Aliso Creek Road and SR-73; and Construction of a Loop Trail including a pedestrian/bicycle path with appropriate amenities in the vicinity of the perimeter of Town Center) and to adopt Resolution No. 2006 – 006 supporting the submission of two TEA project applications. Motion carried unanimously, 5-0.

## **12. Discussion of Cable Broadcasting Options**

Council Member Ficke stated that he requested that this item be heard by Council and provided his position on broadcasting the City Council Meetings.

Discussion ensued regarding allocating staff time to conduct research on what other cities were doing, such as the costs, the analysis, viewership, etc., the needs for other priorities to be funded, the possibility of City Hall moving locations, the possibility of discussing this item at budget time, the request to defer this discussion until Council has a visioning workshop to set priorities for staff, the need to have a workshop to remind Council of current projects, the commitment of projects currently being done by staff, the question if the cost analysis would be completed for the upcoming workshop, the response that the first budget workshop was submitting ideas for the next budget process, the need to communicate to the citizens, the request to have a discussion on cable as quickly as possible, and the need to keep the citizens inform through cable broadcasting.

**A MOTION** made by Council Member Ficke, but failed for a lack of a second that staff dedicate time to research the ability to broadcast meetings not-to-exceed 20 hours of research and at the discretion of the City Manager.

**A MOTION** made by Council Member Phillips and seconded by Mayor Pro Tem Adams, to bring the cable broadcasting item as a discussion item for the March 8 workshop. Motion carried unanimously, 5-0.

Mayor Vali-Cave opened the item for public comment. There being none, Mayor Vali-Cave closed the public comment period.

## **COMMUNITY INPUT**

Opher Banarie urged Council to have the Orange County District Attorney explain why after the vehicle incident at the Town Center story was covered by the press the District Attorney dropped the ability for bail and added a felony charge to the charges against Morteza Bakhtiari. He stated that Morteza Bakhtiari had violated previous probation and has proved to him that he was a violent person in this

Country illegally.

Opher Banarie urged Council to develop an ordinance regarding throwing cigarette butts on the highways and make it a felony during fire season.

## **CITY MANAGER'S REPORT**

City Manager Pulone requested direction from Council on the letter of support requested for the Fifth Annual South Orange County Citywide Food Drive.

**THERE WAS CONSENSUS FROM THE COUNCIL** to have the Mayor sign a letter of support for the upcoming Fifth Annual South Orange County Citywide Food Drive.

## **ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES**

### **Council Member Ficke**

None.

### **Council Member Warkomski**

None.

### **Council Member Phillips**

None.

### **Mayor Pro Tem Adams**

Mayor Pro Tem Adams reported that an additional Division Chief will be added to the OCFA next budget cycle. She expressed her desire to keep Division Chief Vadala.

### **Mayor Vali-Cave**

Mayor Vali-Cave reported that the San Joaquin Hills Corridor will be updating their video cameras for better continuity without visual breaks.

Mayor Vali-Cave requested that the meeting be adjourned in memory of her uncle,

Juventino Adán.

Mayor Vali-Cave requested that the Council consider the possibility of canceling the February 15 meeting in order to attend the ETRPA special event.

**A MOTION** made by Mayor Pro Tem Adams and seconded by Council Member Warkowski, to cancel the meeting of February 15, 2006. The motion carried unanimously, 5-0.

**CLOSED SESSION**

At the hour of 10:23 p.m. the City Council recessed to Closed Session regarding:

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: City Hall  
Agency Negotiators: City Manager  
Negotiating Parties: Pacific Park Executive Plaza  
Under Negotiation: Price and Terms

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(b)

Number of cases: (1)

At the hour of 10:50 p.m. the City Council reconvened, with all Council Members present.

Mayor Vali-Cave announced that there were no reportable actions taken in Closed Session.

**ADJOURNMENT** at 10:51 p.m. in memory of Juventino Adán.

Submitted By:

Approved By:

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Susan Robinson, CMC  
City Clerk

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Carmen Vali-Cave  
Mayor